

IN THE CIRCUIT COURT
OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

AFFIDAVIT AND APPLICATION FOR SEARCH WARRANT – DISCORD, INC.

BEFORE ME, Det Reed Canfield a sworn law enforcement officer, personally came Detective Jennifer Graves #125 of the Palm Bay Police Department who first being duly sworn, deposes and says that affiant has probable cause to believe that certain laws have been and are being violated in or about a certain premises and/or the curtilage thereof, and that evidence of the violation of certain laws in the form of computer equipment and data described hereinafter is being kept in or about certain premises and/or the curtilage thereof, being known and described as follows:

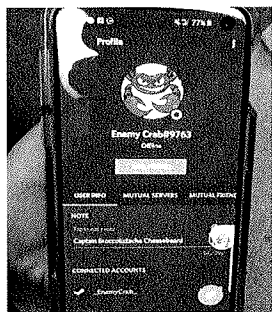
DESCRIPTION OF PREMISES TO BE SEARCHED ("PREMISES"):

The website is titled: <http://www.discordapp.com> with a specific user profile of:

SCREEN/USER NAME: Enemy Crab#9763

USER ID#: Unknown

EMAIL: millsj86@gmail.com



FILED IN PALM BAY
CLERK OF CIR. CT.
BREVARD CO. FL.
2019 OCT 23 A 8:56
SCOTT ELLIS

Which is under the control of:

Discord, Inc c/o Trust and Safety
444 De Haro St, Suite 200
San Francisco, CA, 94107

FELONY STATUTE(S) BEING VIOLATED:

- F.S. 800.04(5)(a) Charge, Lewd or Lascivious Molestation
- F.S. 800.04(7) Charge, Lewd or Lascivious Exhibition
- F.S. 847.0135(3)(a) Charge, Certain Uses of a Computer Prohibited

PROPERTY SOUGHT:

Your Affiant seeks to seize the below-described evidence pursuant to Florida Statute § 92.605 and § 934.23, as well as the United States Code 18 U.S.C. 2703, which compel out-of-state electronic

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communication service or remote computing service that provides such services to the public to provide information requested pursuant to search warrants, court orders or subpoenas issued in the State of Florida. However, because the out-of-state electronic communication service or remote computing service provider has no reasonable means to distinguish evidence of the crimes from any other records contained within the sought-after account, your Affiant seeks to compel the service provider to seize a copy of all records pertaining to the account and provide the entirety of the records to your Affiant. Once your Affiant has obtained those records, your Affiant and/or other representatives of the Palm Bay Police Department shall conduct an actual search of the items obtained from the out-of-state electronic communication service or remote computing service provider in order to sort the evidence of the crimes articulated below and specifically sought herein, which may be intermingled with innocent or innocuous documents or records.

PROPERTY TO BE PROVIDED BY DISCORD, INC.

1. Any and all stored electronic communications/content, documents, photos, videos, data, or files associated with the Discord user accounts identified as:

SCREEN/USER NAME: Enemy Crab#9763

USER ID#: Unknown

EMAIL: millsj86@gmail.com

For the time period of 12:00pm hours EST on 01/01/2019 through 10:15pm hours EST on 08/17/2019.

2. And any related accounts concerning the same account subscribers or users, since creation of such account until the present time of this affidavit.
3. All records of account activity, account sharing, shared links to account, contact lists and IP address/port number logs of account log-ins and IP addresses/port numbers associated with uploading or downloading images or videos.
4. All lists of other devices associated with this account.
5. Records concerning the identity of the user:

SCREEN/USER NAME: Enemy Crab#9763

USER ID#: Unknown

EMAIL: millsj86@gmail.com

- a. Consisting of name, postal code, country, e-mail address, and date of account creation, IP address and port number at account sign-up, logs showing IP address/port number and date stamps for account accesses.
- b. Photos, videos, communications, documents or other data (including metadata and EXIF data) related to establishing the identity of the person or persons using this

- account to upload, download or share pornography.
 - c. IP address/port number logs, account sharing records or other account activity related to establish the identity of the users of this account. "A out me" entries, and comments:
 - d. A list of all of the user's friends on Discord;
6. Please indicate if this account is open to the public or how it is assessed by viewers if applicable. Including, if the sexually explicit images in the servers/chat group are/were viewable by other subscribers or open to the public.
7. Please indicate if sexually explicit photos or blog entries, referring to these images, were "shared" or "reblogged" by other subscribers and approximately how many times.

GROUND'S FOR ISSUANCE:

Evidence sought is relevant to proving a felony has been committed (as noted *above*) and is contained within the Discord, Inc. account, which is maintained by an out-of-state corporation that provides electronic communication services or remote computing services to the public. Pursuant to Florida Statutes § 92.605 and § 934.23, as well as the United States Code 18 U.S.C. 2703, a Florida Circuit Judge has jurisdiction to issue a search warrant for Premises (an out-of-state corporation that provides electronic communication services or remote computing services to the public). Also, it is requested that such warrant shall be executed by civilian personnel employed at Premises and at the out-of-state corporation that provides electronic communication services or remote computing services to the public, and any records found by civilian personnel pursuant to this warrant shall be returnable to Your Affiant, Detective Jennifer Graves #125. The facts establishing the grounds for this affidavit and the probable cause for believing that such facts exist are detailed and affirmed below.

AFFIANT'S QUALIFICATIONS

Your Affiant is a sworn Police Officer, having completed the Brevard County Law Enforcement Academy in 1997, is now employed in and for the City of Palm Bay Police Department, sworn on April 26, 1999. Your Affiant is an experienced Police Officer with over 20 years with the City of Palm Bay, with 10 of those years as a Traffic Homicide Investigator. Your Affiant has investigated and made arrests on numerous felony investigations involving Aggravated stalking, child pornography, sexual battery, attempted murder, homicide, narcotics, and other felony offenses. Your Affiant has attended numerous schools and studied various course materials during the past years to include but not limited to, Sex Offense Investigations, Death Investigations, and crimes against persons, crimes against property, interview and interrogations, crime scene analysis and attended the Detective Academy. Your Affiant has written, assisted with, or executed multiple arrest and search warrants. Your Affiant was assigned to the Uniform Service Division-July 1999, the CNT team in 2002, and Special Victims Unit in 2015 as a Detective.

PROBABLE CAUSE

On 08/17/2019, [REDACTED] year old EM was brought in by her mother to report Lewd or Lascivious crimes b [REDACTED] Joshua Mills, against her. EM stated essentially the following: that for the past 8 to 12 months Mr. Mills has been masturbating in front of her, allowing her to see pornography, has touched her bare

breast and has sent her masturbating videos of himself along with penis pictures. EM stated that he messages her these things along with various typed messages by means of the gaming application DISCORD. She said he has asked her to “help him” with his masturbation, has sent her a photo of a box of condoms and then implied that if they had sex it would be safe. EM says that Mr. Mills has emotional problems as well and constantly threatens to kill himself or talks about leaving and never coming back, that no one likes him, and he should die. EM said that this is how he kept her from telling her mother what was going on, by manipulation, that he would kill himself. EM said that Mr. Mills also has rage outbursts and he throws things and yells. EM said she was in fear he may hurt [REDACTED] or himself. Today, 08/17/2019, Mr. Mills again contacted her through DISCORD and said, “I could kiss you all over and make your heart beat really fast”, “I want to give you love and affections”. EM replied to him that she wanted him to stop, that she is just a kid and that when he talks to her that way it makes her very uncomfortable. Mr. Mills responded to her by saying he wanted to die, that he’s a piece of “shit” and is needy. Mr. Mills called himself ugly, useless to everyone and worthless. Again, EM asked him to stop and reminded him that she is a child. EM said that her DISCORD “username” is [REDACTED] and Mr. Mills’s username is Enemy Crab#9763.

On this same date, 08/17/2019, Mr. Mills was Baker Acted and brought to the police station. Post-Miranda, Mr. Mills stated that he has messaged EM on DISCORD and did write those messages from today. Mr. Mills didn’t have an excuse for him messaging EM other than stating it was a response to something she said yesterday but understood it was inappropriate to send to EM. Mr. Mills did say he said he wanted to kill himself and he does say that all the time. Mr. Mills stated that his “username” on DISCORD is Enemy Crab#9763 and EM’s is dumb bitch juice#2692. Mr. Mills denied all other Lewd or Lascivious crimes.

Mr. Mills [REDACTED] stated that she knows both EM and Mr. Mills use DISCORD to message. She stated that Mr. Mills and EM both got new phones, both Samsung Galaxy S10, and new phone numbers in the last week or so; on approximately July 29, 2019 until Mr. Mills’ cell phone was seized on August 17, 2019 at approximately 10:15pm. She stated that Mr. Mills utilized his new phone, Samsung Galaxy S10 and his old phone, Samsung Galaxy Note 9 to utilize DISCORD. She said he also used his HP laptop.

Ms. Mills and EM wish to pursue charges.

Discord, Inc Application

Your affiant has learned that Discord, Inc. is a messaging platform where users from around the world connect with each other through chat, voice, and video. Users chose a “server” then a “channel” in that server to join a chatting group or can make a new server in a private group. Discord, Inc. have both a desktop (PC, Mac, Linux) application and a mobile (iOS, Android) application, and the service can also be accessed from the website directly at www.discordapp.com.

When establishing a Discord, Inc. account or profile a user is required to provide an electronic mail (email) address in order to use the service. This email address can provide additional investigative leads with further service of legal process to the appropriate provider. Discord, Inc. then assigns it’s new user a unique “#” that it then adds to the end of the users username.

Discord, Inc. permits users to communicate via private messages and electronic mail. Discord, Inc. stores messages and attachments that users send to each other in text channels, whether it's in a server or in direct messages. These messages and attachments are obtainable through a search warrant. Users may also send other users additional files such as pictures, videos, and audio files. The files are also retained by the company as part of the message.

Discord, Inc. routinely captures and stores the Internet Protocol (IP) address of computers and mobile devices used to access their system. The IP address is roughly analogous to a telephone number for computers and can be used to determine what internet service provider was used to access the website or application and who the subscriber is.

Your Affiant believes that this information is relevant to the issues of the current investigation for the following reasons.

Your affiant knows based on her training and experience as previously set forth that private messages, email messages, IP addresses, device identifying information, and geolocation information is stored by Discord, Inc. Discord, Inc. maintains all graphic and computer media related items associated with Discord account holder:

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It is unknown at this point how much of the activity occurring at this site involves criminal conduct. The log files associated with this site will not identify specific individuals but will only provide screen names or Internet Protocol addresses. Subpoenas, court orders or search warrants would be required to follow up on the identity of other individuals posting information to that site.

Your Affiant believes there is a fair probability that Discord, Inc. account holder:

SCREEN/USER NAME: Enemy Crab#9763

USER ID#: Unknown

EMAIL: millsj86@gmail.com

communicated with other Discord, Inc. account holders by sending sexually explicit images to a child of people involved in sexual performances constituting Lewd or Lascivious Exhibition.

Your Affiant seeks to examine the contents of this account for images, videos, data or information that tends to establish the owner of the account and the identity of the person who disseminated the pornographic material.

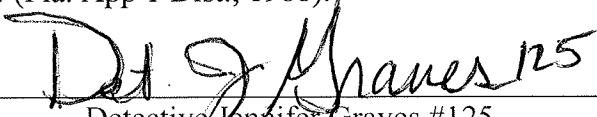
Based on the above investigation, your affiant believes that probable cause exists that evidence to support the aforementioned crimes is contained in the Discord, Inc account of username, identified to be: Enemy Crab#9763.

It should be noted that the Florida Legislature passed section 92.605 Florida Statutes, effective July 1, 2003, which provides that out-of-state electronic communication service providers doing business with the public must accept Florida subpoenas, court orders or search warrants. Proper service includes U.S. mail and facsimile.

WHEREFORE, your Affiant hereby makes application for a Search Warrant authorizing the Affiant, and/or other representatives of the Palm Bay Police Department, Brevard County, Florida, with proper and necessary assistance, to search the above described premise in a manner consistent with F.S. 92.605, by delivering said warrant via facsimile or U.S. mail to an authorized legal representative of Discord, Inc. and to seize and examine any and all of the aforesaid property found by virtue of such Search Warrant and to list the property seized on a return and inventory, to be filed within this Judicial Circuit within ten days of receipt of the property sought herein.

Additionally, your Affiant is aware that some providers of electronic communication services or remote computing services have a policy that dictates they notify their subscribers of governmental subpoenas unless prohibited by law or court order. This current investigation may lead to future attempts to seize and search other computers, email accounts, electronic storage accounts, or electronic devices. Your Affiant has reason to believe that such a policy of notifying the subscriber of the issuance of this warrant will result in the destruction of or tampering with such evidence; therefore, your Affiant requests a court order prohibiting Discord, Inc. from notifying the subscriber of the above-noted account of the existence of this warrant until further order of this court.

Your Affiant also prays the Court to direct that the Affidavit for the search warrant, be kept in the custody of the executing agency or the State Attorney's Office until further order of the Court or until release by the executing agency, in order to maintain the integrity of the ongoing investigation, pursuant to Florida Pub. Co. v. State, 706 So.2d 54 (Fla. App 1 Dist., 1988).



Detective Jennifer Graves #125
Palm Bay Police Department
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME THIS 17th DAY OF September, A.D.
20 19 BY Detective Jennifer Graves #125 (Affiant) WHO IS PERSONALLY KNOWN TO ME OR
WHO PRODUCED _____ AS IDENTIFICATION.



SWORN LAW ENFORCEMENT OFFICER
BREVARD COUNTY, FLORIDA